

REMARKS

Claims 1, 2, 5, and 9 are amended and new claims 19-21 are added. Claim 8 has been cancelled. No new matter is introduced. Claims 1-7 and 9-21 are pending in the present application. Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and the following remarks.

Objection To Specification

The Examiner has provided a recommended guideline for arrangement of the specification. Applicant respectfully submits that in the Preliminary Amendment submitted with the present application at time of filing, namely, on December 6, 2004, Applicant attached a Substitute Specification, which includes a proper arrangement format.

The Examiner objects to the specification for failing to provide proper antecedent basis for the claimed subject matter, namely, for “an azimuth adjustment of the machine” as claimed in claims 5 and 8. These claims are amended to instead read “an azimuth angle of the wind power installation”, as supported by the Substitute Specification, at page 4, lines 21-22.

Claim Rejections Under 35 U.S.C. § 112

The Examiner rejects claims 1-9 as being indefinite for insufficient antecedent basis for “the ground” in claim 1. Claim 1 is amended to provide such antecedent basis and is thus now in compliance with 35 U.S.C. § 112, second paragraph.

Claim Rejections Under 35 U.S.C. § 102

The Examiner rejects claim 1 as being anticipated by JP 11-182409, to Matsumoto et al. (“Matsumoto”). Amended claim 1 recites, “a cover configured to prevent a substantial amount of the light from the flight lighting arrangement from being seen from the ground in a region of more than 0 m to approximately 2000 m around the wind power installation. In contrast, Matsumoto fails to teach a cover that prevents a substantial amount of

the light from the light source 1 from being seen from the ground region near the wind turbine. This is because in Matsumoto, the airplane warning light flashing device 2 receives light from the light source 1 through slit part 4 in shading wall 5 and via the optical fibers 3. In this manner, the tip of the rotating vanes 21 are illuminated or flash when in the airplane warning region. This light can be seen from the ground near the wind turbine because there is no cover provided on the rotating vanes 21 that prevents this light from being seen from the ground. Whether a person is 20 feet or 200 feet from the wind turbine, they will still see the lights at the top of the arc for each rotor blade as the wind turbine rotates.

The shading wall 5 is not intended to and does not prevent the light emitted by tips of the rotating vanes 21 from being seen from the ground adjacent the wind turbine. Instead, the wall 5 is configured to control which vanes receive light based on their altitude, and in a case, where all vanes are above the altitude of the airplane warning region, they all emit light. Even in the case where the vanes light up while they are in the upper hemisphere of their rotation, the light is visible from the ground adjacent the wind turbine. Accordingly, Matsumoto fails to anticipate claim 1, and claim 1 and dependent claims 2-8, which are dependent from claim 1, are allowable over Matsumoto.

It is not clear whether the Examiner rejects claim 9 as being anticipated by Matsumoto. Nonetheless, Applicant submits that claim 9 is not anticipated by Matsumoto. Claim 9 recites, “a cover positioned beneath the flight lighting arrangement that substantially blocks the light of the flight lighting arrangement from a region below the cover and more than 0 m to approximately 2000 m around the wind power installation.” Matsumoto does not disclose a cover that is positioned *beneath* the flight lighting arrangement, as the flight lighting in Matsumoto is positioned toward the tips of the vanes 21 and is constantly changing in its position with respect to the wall 5. Furthermore, the wall 5 does not form a cover that substantially blocks the light from a region below the cover, because the light at tips of the vanes 21 are visible to one located on the ground, even at the base of the wind power installation of Matsumoto. Accordingly, claim 9, and claims 10-18, which are dependent from claim 9, are allowable over Matsumoto.

Claim Rejections Under 35 U.S.C. § 103

The Examiner rejects claim 2 as being obvious over Matsumoto, reasoning that the region comprising an area of about 0 m to 1000 m around the wind power installation to a height of about 3 to 10 is a provision of adjustability of the invention in Matsumoto. However, as discussed above, Matsumoto does not disclose a cover that prevents visibility to the warning light from the ground adjacent the wind turbine. Therefore, the size of the region in claim 2, and also in independent claims 1, 9, 19, and 21, cannot be a provision of adjustability of the wall 5 in Matsumoto, and are not rendered obvious, or taught, suggested, or motivated by the disclosure in Matsumoto. Accordingly, independent claims 1, 9, 19, and 21, and all dependent claims which are dependent from claims 1 and 9, are allowable over Matsumoto.

The Examiner rejects claims 3-18 as being obvious over Matsumoto in view of U.S. Patent No. 5,980,069, to Guerrero. These claims are allowable because Guerrero does not fulfill the deficiencies in Matsumoto discussed above. The beacon light deflectors in Guerrero include a structure that deflects the beacon light; however, they do not prevent the light from being seen on the ground adjacent the wind turbine. This is because the deflectors in Guerrero include a centrally located aperture defined by the inner peripheral edge 14. Guerrero Specification, column 3, lines 5-7. This inner peripheral edge is more clearly illustrated in Figure 3 and labeled with reference numeral 114. Accordingly, the beacon light in Guerrero is visible from the ground adjacent the wind turbine. Therefore, claims 3-18 are allowable over Matsumoto and Guerrero.

Applicant respectfully submits that all of the claims remaining in the application are allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

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The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,
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